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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JON C. JAMES,

11 Plaintiff,

12 v.

13 GOV CHRISTINE GREGOIRE, ROB
14 MCKENNA,

15 Defendants.
16

Case No. C10-5025RBL

ORDER

17 THIS MATTER is before the Court upon Plaintiff's request to proceed *In Forma*
18 *Pauperis* and proposed Complaint.

19 This Court has discretion to grant or deny *In Forma Pauperis* applications and may *sua*
20 *sponte* dismiss an *In Forma Pauperis* action before service of process. *See Franklin v. Murphy*,
21 745 F.2d 1221, 1226 (9th Cir. 1984). Although Plaintiff's proposed Complaint claims that this
22 Court has jurisdiction based on a federal question and cites to the First and Fourteenth
23 Amendments and to 42 U.S.C. §1983, the only potential cause of action contained in the body of
24 the Complaint is a claim for defamation under state law against one of the named Defendants,
25 Assistant Attorney General Jarold P. Cartwright.

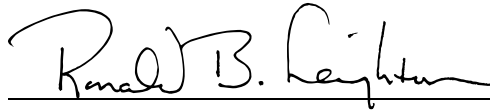
26 Under 42 U.S.C. §1983 a plaintiff may bring a cause of action for violations of the First
and Fourteenth Amendments. He must show that a person acting under color of state law
ORDER - 1

1 deprived him of his constitutional rights. Plaintiff's proposed Complaint may contain a state law
2 claim for defamation, however, defamation in the context of his proposed Complaint does not
3 rise to a constitutional violation. Therefore, this Court is without subject matter jurisdiction and
4 Plaintiff's Complaint is **DISMISSED**. See 28 U.S.C. §1915(e)(2)(B).

5 IT IS SO ORDERED.

6 The clerk shall send an uncertified copy of this Order to Plaintiff, all counsel of record
7 and to any party appearing pro se.

8 DATED this 22nd day of January, 2010.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE
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